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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,040	10/02/2001	Yasushi Takeda	100809-16276 (SCEY 19.027	8691
26304	7590	02/10/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			MARKS, CHRISTINA M	
			ART UNIT	PAPER NUMBER
			3713	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/970,040

Applicant(s)

TAKEDA ET AL.

Examiner

C. Marks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Specification

The objection to the abstract and the incorporation by reference has been withdrawn due to the corrections made in the amendment filed 01 December 2003.

Drawings

The objection to the drawings has been withdrawn due to the amendment filed 01 December 2003 correcting the claim language to match the figures.

Claim Rejections - 35 USC § 112

The rejection of claims 1-40 under 35 U.S.C. 112 have been withdrawn due the amended claims filed 01 December 2003.

Claim Rejections - 35 USC § 101

The rejection to claim 40 under 35 U.S.C. 101 has been withdrawn due to the claim language adding a tangible medium filed 01 December 2003.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 14, 27 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Nimura (US patent No. 5,947,823).

Nimura discloses a method of controlling a character and its shadow projection in virtual space (FIG 1). A first character is generated as well as its shadow character with respect to a virtual light source such that the shadow character symbolizes a shadow projection of the first character (Column 6). The shadow character is controlled independently of the first character and the virtual light source as it is controlled by a computation algorithm that takes into account viewpoint position as well as other factors (Columns 6 and 7).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horigami et al. (US Patent No. 6,585,599).

Horigami et al. teach of an object control method comprising the steps of generating a second object (FIG 2, reference 112) that represents a shadow of a first object (FIG 2, reference 111) in virtual space (FIG 2). The second object character works with the ally character, thus becoming a shadow fighting object to the first character and is controlled independently of the first object (Column 5, lines 1-10) and any other sources yet is still present with the first object. The control of the second object does not depend on any other sources, including the first character, or any other parameters associated with the game. Therefore, any light source used in the game to illuminate the battle between the characters would not have an effect on the second shadow object. Regarding claim 14, the object control method can be stored on a computer readable storage medium (Column 8, lines 50-67). Regarding claim 27, a program execution device is inherently used to execute the object control process program. Regarding

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claim 40, a program to control the method is also inherent to the system disclosed by Horigami et al.

Though Horigami et al. does not generate the “shadow” character from the first character and a light source, both the characters serve the same purpose to aid a first character in battling enemy characters. The manner in which these characters are created would be an alternate design choice as a different means to recognize the same end. Horigami et al. includes virtual space and light sources; however, does not use these tools as a means to graphically create the character. However, graphically creating the character in a manner different than the method of Horigami et al. does not serve to keep Horigami et al. from obviating such differences. Without support as to how the machine actually performs these processes and creates the character through steps and internal computing in a non-obvious manner, it would be an obvious design choice to alter the way in which one would generate a character to appears. Thus such alterations would be obvious to one of ordinary skill in the art, such as generating the Horigami et al. character by means of a light source based on the first character. Graphical presentation is known in the gaming art as are the number of ways to generate a character. One of ordinary skill in the art would be motivated to create the character in such a manner in order to create the character as a shadowed generation to convey to the player a better sense that the character is working with them as it was “born” of them. There are as many ways of character generation as there are characters themselves. Absent showings of criticality, using one over the other would be an obvious design choice and would be motivated by the intent and hopes of the designer in implementing the character into the game.

Regarding claims 2, 15 and 28, the motion of the shadow character is controlled independently of the first character (Column 5, lines 1-10).

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Regarding claim 3, 16 and 29, Horigami et al. disclose the process of generating a character includes assigning objects to the characters (FIG 4). Thus when the characters use these objects in attack, their shape is changed to represent the use of the object (FIG 6). Horigami et al. disclose that the player and the shadow can have common actions (FIG 4). Horigami et al. disclose that other object contents can be different from character to character. However, it would be obvious to one of ordinary skill in the art based upon the disclosure that the attack and defense values are shared by the characters, to also include other objects that are shared by the characters to present a more unified battlefield. Thus, if the first character would receive an object, the second character would also receive this object as they represent a unified fighting team. One of ordinary skill in the art would be motivated to make this incorporation because one of ordinary skill in the art would recognize that through the character building process as disclosed by Horigami et al., it would be obvious to allow characters fighting for the same cause to be allocated similar object weapons to provide a joined team. By doing this, the player would feel more confident with his/her character(s) as they would be more familiar with the objects associated with and thus feel a higher level of comfort and ease, thus enhancing enjoyment.

Regarding claim 4, 17 and 30, as disclosed above, the shape of the character changes with the addition of objects (FIG 2). Thus, it would be obvious to one of ordinary skill in the art that if the second character were to receive an object as the first character did, as disclosed above, the second character would change shape to represent the carrying of the current object.

Regarding claim 5, 18 and 31, when the shape obtained by adding the object to the first character is predetermined to be of a certain shape, representing a certain weapon, an indication is axiomatically set by the system to allow the program to recognize the player is

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using a certain weapon, wherein the program will be able to adapt the game to reflect the addition of the weapon, as is notoriously well known in the art.

Regarding claim 6, 19 and 32, parameters of the second object are changed based upon the changing of the second object as it is disclosed that action of the second characters is taken in accordance with inputs relating to the first character, thus axiomatically changing parameters of the second character based upon related parameters to the first character (Column 5, lines 1-10).

Regarding claim 7, 20 and 33, Horigami et al. discloses that the second object does not have to be generated (Column 6, lines 51-52) and discloses a number of circumferential conditions to determine the effects of characters on another (FIG 2). It would thus be obvious to one of ordinary skill in the art that if the ally character were not within a circumferential range to be of assistance to the first character, the program need not generate it as it would not be recognized as being on the battle field.

Regarding claims 8, 21 and 34, the second object is generated at a time predetermined by the gaming program in order to form an ally force with the first object (Column 5, lines 1-10; Column 10, lines 23-36). The characters are made in accordance with starting a battle (Column 11, lines 5-50).

Regarding claims 9, 22 and 35, the second object is generated at an instruction to start the battle predetermined by the gaming program in order to form an ally force with the first object (Column 5, lines 1-10; Column 10, lines 23-36). The characters are made in accordance with starting a battle (Column 11, lines 5-50).

Regarding claims 10, 23 and 36, the motion of the second object is controlled based upon indirect instruction from the act of the first player (Column 5, lines 1-10) or a predetermined definitive instruction operable by the first player (Column 10, lines 30-35).

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Regarding claims 11, 24 and 37, a predetermined message is generated with the second object that details the strengths and power associated with the second object (FIG 2, reference 130).

Regarding claim 12, 25 and 38, Horigami et al. discloses that while the second character can take action in accordance with the first character, the second character can also be moved independently via control of the input device, thus it is self moving (Column 10, lines 30-35).

Regarding claims 13, 26 and 39, the first and second objects are personalized virtual characters in a three-dimensional space (FIG 2; Columns 10 and 11).

Response to Arguments

Applicant's arguments filed 01 December 2003 have been fully considered but they are not persuasive.

Regarding Applicant's argument that Horigami et al. does not generate the shadow character from the first character with respect to a light source to symbolize a shadow projection, the Examiner asserts that the method in which the character is generated represents a design choice as well as the symbolization associated with such. Both characters serve the same purpose, to fight along with a first character to defeat an enemy. The manner in which a designer chooses to program the characters to be generated would not be critical to the purpose they serve. Though Horigami et al. does not generate the "shadow" character in the same manner as claimed by Applicant, both the characters serve the same purpose to aid a first character in battling enemy characters. The manner in which these characters are created would be an alternate design choice as a different means to recognize the same end. Horigami et al. includes virtual space and light sources; however, does not use these tools as a means to

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graphically create the character. However, graphically creating the character in a manner different than the method of Horigami et al. does not serve to keep Horigami et al. from obviating such differences. Without support as to how the machine actually performs these processes and creates the character through steps and internal computing in a non-obvious manner, it would seem an obvious design choice to alter the way in which one would generate a character to appears. Graphical presentation is known in the gaming art as are the number of ways to generate a character. For example, motivation would exists to create the character as a shadowed generation to convey to the player a better sense that the character is working with them as it was "born" of them. There are as many ways of character generation as there are characters themselves. Using one over the other would be an obvious design choice and would be motivated by the intent and hopes of the designer in implementing the character into the game.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent No. 5,200,739: Character generation which provides the displayed character with a shadow, thus creating a shadow generation. Discloses a procedure for generating this shadow to be used in the game with a character.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Thursday (7:30AM - 5:30 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on (703)-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



cmm

February 2, 2004



Teresa Walberg
Supervisory Patent Examiner
Group 3700